

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE: ST. JUDE MEDICAL, INC.,	:	MDL DOCKET NO. 1396
SILZONE HEART VALVES PRODUCTS	:	
LIABILITY LITIGATION	:	
	:	
THIS DOCUMENT RELATES TO ALL	:	
CASES	:	

**MEMORANDUM OF UNDERSTANDING AND
O R D E R**

This document has been drafted on the advice and consent of Judge John R. Tunheim in an effort to assure the fair and effective administration of the MDL, including but not limited to the Plaintiffs' Litigation Fund, by the Executive Committee and Patrick J. Murphy, Esq., State Liaison Counsel. On or about December 21, 2001, this court signed Pre-Trial Order No. 5 which, among other things, appoints James T. Capretz and Steven E. Angstreich as Co-Lead Counsel for the medical monitoring Class I claimants; Joe D. Jacobson as Lead Counsel for Class II personal injury claims and Charles S. Zimmerman and J. Gordon Rudd, Jr., as Liaison Counsel. PTO No. 12 signed on March 19, 2002 appointed Patrick J. Murphy to serve as Plaintiffs' State Liaison Counsel. Pre-Trial Order No. 5 established a plaintiffs' Executive Committee which consists of James T. Capretz and Steven E. Angstreich as Co-Lead Counsel for Class I, Joe D. Jacobson as Lead Counsel for Class II and Charles S. Zimmerman as Liaison Counsel. Liaison Counsel Charles S. Zimmerman and J. Gordon Rudd, Jr., have agreed that J. Gordon Rudd, Jr., shall represent his law firm and serve on the Executive Committee. According to the PTO, the Executive Committee is to be chaired by James T. Capretz and three members of the committee shall constitute a quorum. The Executive

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RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD. _____
DEPUTY CLERK _____

Committee with the State Liaison Counsel shall constitute the Plaintiffs' Leadership Group as defined herein.

In order to comply with the Pre-Trial Orders and promote the common good of the classes, these guidelines are established by the Plaintiffs' Leadership Group ("PLG").

1. All counsel affirm the importance and value of working within the Pre-Trial Orders ("PTO's") signed by this court and all agree to follow the directives of the PLG.

2. There shall be a telephonic meeting of the PLG at least once a month to discuss the status of the Plaintiffs' Litigation Expense Fund and to discuss the anticipated expenses and current bills due.

3. Any decision to incur or pay a debt in excess of \$5,000 shall be made by a majority vote of the PLG.

4. Any call for an additional assessment for the Plaintiffs' Litigation Expense Fund shall be discussed and agreed upon by a majority vote of the PLG.

5. No binding agreement with an expert or consultant shall be made without the knowledge of the PLG and a majority vote in favor of same.

6. All communications regarding MDL issues between defense counsel and any of plaintiffs' lead counsel shall be shared among the three lead counsel whenever practical.

7. Any and all disagreements between Co-Lead Counsel for Class I plaintiffs or between the Co-Lead Counsel and Class II Lead Counsel concerning the position of the MDL on an MDL operational issue shall be resolved by a majority vote of the PLG.

8. Checks are not to be written to any member of the PLG by the custodian of the Plaintiffs' Litigation Fund without the approval and consent of the other two lead counsel, or in the case of a

disagreement between them, without the consent of a majority vote of the PLG.

9. All parties affirm the importance and necessity of filing their time sheets as provided in PTO #18. Except if expressly waived, all parties to this agreement shall be entitled to timely receive a copy of the quarterly time sheets tendered to Levy, Angstreich by the PLG as required by PTO #18.

AGREED:

James T. Capretz / jgc
James T. Capretz

Joe D. Jacobson / jgc
Joe D. Jacobson

Steven E. Angstreich / jgc
Steven E. Angstreich

J. Gordon Rudd
J. Gordon Rudd, Liaison Counsel

Patrick J. Murphy / jgc
Patrick J. Murphy, State Liaison Counsel

ORDER

IT IS SO ORDERED.

John R. Tunheim
Judge John R. Tunheim

Entered: July 1, 2003